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PATENTS
WR-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Richard M. Weiss et al.
Application No. : 10/037,701 Confirmation No. : 7539
Filed : November 9, 2001
For : METHOD AND APPARATUS FOR MEASURING
AND ORIENTING GOLF CLUB SHAFT
Group Art Unit : 3711

New York, New York 10020
September 17, 2002

Box MISSING PARTS
Hon. Commissioner for Patents
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. § 1.136(a)
FOR EXTENSION OF TIME,
REPLY TO NOTICE TO FILE
MISSING PARTS OF APPLICATION AND
PETITION UNDER 37 C.F.R. § 1.47(a)

Sir:

Petition Under 37 C.F.R. § 1.136(a)
For Extension of Time

Pursuant to 37 C.F.R. § 1.136(a), applicants hereby petition for a four-month extension of the time period set for reply to the Notice to File Missing Parts of Nonprovisional Application dated March 22, 2002, to make the date for reply September 23, 2002 (September 22, 2002 is a Sunday.) A check in the amount of \$720.00, in payment of the fee set forth in 37 C.F.R. § 1.17(a)(4), is enclosed herewith. The Director is hereby authorized to charge any additional fee due, or credit any overpayment, in connection

with this Petition, to Deposit Account No. 06-1075. A duplicate copy of this Petition, Reply and Petition is enclosed herewith.

Reply To Notice To File
Missing Parts Of Application And
Petition Under 37 C.F.R. § 1.47(a)

The following materials are enclosed in reply to the March 22, 2002 Notice to File Missing Parts of Nonprovisional Application in this patent application:

1. A copy of the Notice to File Missing Parts;
2. An Declaration and Power of Attorney executed as described below;
3. A check in the amount of \$65.00 in payment of the surcharge (small entity) set forth in 37 C.F.R. § 1.16(e);
4. A Declaration of Patrick E. Gonya, Jr. in Support of Petition Under 37 C.F.R. § 1.47(a) ("the Gonya Declaration"); and
5. A check in the amount of \$130.00, in payment of the petition fee set forth in 37 C.F.R. § 1.17(h).

Petition is hereby made under 37 C.F.R. § 1.47(a) to make application in the name of Richard M. Weiss, F. Sherrill Vowell and Larry R. Palmer together on behalf of themselves, as well as on behalf of nonsigning inventors Joseph H. Butler and Michael J. Twigg. The aforementioned Declaration and Power of Attorney has been executed by inventors Weiss, Vowell and Palmer, and also by first-named inventor Weiss on behalf of inventors Butler and Twigg. This petition is supported by the enclosed Gonya Declaration.

The invention which is the subject of the above-identified patent application was made by the inventors pursuant to contractual relationships between first-named inventor Weiss and the other named inventors. A dispute has arisen between first-named inventor Weiss and inventors

Butler and Twigg over certain terms of their contractual relationship, and as a result inventor Weiss is currently in litigation with inventors Butler and Twigg in state court in Florida. As a result of the dispute, inventors Butler and Twigg have refused to sign the Declaration and Power of Attorney.


Declarant Patrick E. Gonya, Jr. is one of the attorneys representing inventor Weiss in the litigation against inventors Butler and Twigg. Inventors Butler and Twigg also are represented by counsel. As set forth in the Gonya Declaration, Mr. Gonya has had several discussions, as well as written correspondence, with counsel for inventors Butler and Twigg regarding execution of the Declaration and Power of Attorney. Counsel for inventors Butler and Twigg has told Mr. Gonya by telephone several times, most recently on August 7, 2002, that inventors Butler and Twigg will not sign the Declaration and Power of Attorney. Counsel for inventors Butler and Twigg also declined to provide a written refusal to sign.

It is respectfully submitted that the Gonya Declaration constitutes sufficient evidence of refusal by inventors Butler and Twigg to join in the above-identified patent application (MPEP § 409.03(d)) to support this petition, and prompt grant of this petition is respectfully requested.

As stated above, a check in the amount of \$130.00, in payment of the fee set forth in 37 C.F.R. § 1.17(h) is enclosed. The Director is hereby authorized to charge any additional fee due, or to credit any overpayment, in connection with this Petition, to Deposit Account

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Petition is enclosed herewith.

Respectfully submitted,



Jeffrey H. Ingerman
Reg. No. 31,069
Attorney for Applicants
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000



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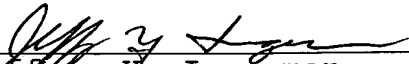
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Attorney for Applicants
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New York, New York 10020-1105
Tel.: (212) 596-9000